

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ALICE BADOUR,

Plaintiff,

v.

Case Number 10-13280-BC
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,
GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT TO THE EXTENT
THAT IT REQUESTS REMAND, DENYING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, AND REMANDING CASE TO THE COMMISSIONER**

Magistrate Judge R. Steven Whalen issued a report and recommendation [Dkt. # 15] on July 18, 2011, recommending that the Court grant Plaintiff's motion for summary judgment to the extent she is seeking a remand to the Commissioner for further consideration of her disability claim. Judge Whalen concluded that there were at least two errors in the record that necessitated remand, but that the evidence of disability was not so "overwhelming" that her claim should be granted.

Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendation. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985).

Accordingly, it is **ORDERED** that the Judge Whalen's report and recommendation [Dkt. # 15] is **ADOPTED**.

It is further **ORDERED** that Plaintiff's motion for summary judgment [Dkt. # 11] is **GRANTED** to the extent she is seeking remand to the Commissioner.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 13] is **DENIED**.

It is further **ORDERED** that this case is **REMANDED** to the Commissioner for further consideration of Plaintiff's disability claim in accordance with the guidance provided by Judge Whalen's order.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 2, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 2, 2011.

s/Tracy A. Jacobs
TRACY A. JACOBS